



Reprinted
March 4, 2003

HOUSE BILL No. 1532

DIGEST OF HB 1532 (Updated March 3, 2003 7:29 PM - DI 105)

Citations Affected: IC 11-12; IC 35-47.

Synopsis: Community corrections officers. Requires the department of correction to establish educational, occupational, and salary requirements for community corrections officers. Establishes the duties of a community corrections officer. Includes a community corrections officer in the definition of public safety officer for purposes of the law concerning regulation of laser pointers. Provides that a community corrections advisory board may establish continuing education requirements for community corrections officers.

Effective: July 1, 2003.

Goodin

January 16, 2003, read first time and referred to Committee on Human Affairs.
February 26, 2003, reported — Do Pass.
March 3, 2003, read second time, amended, ordered engrossed.

C
o
p
y

HB 1532—LS 7362/DI 105+



Reprinted
March 4, 2003

First Regular Session 113th General Assembly (2003)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2002 Regular or Special Session of the General Assembly.

HOUSE BILL No. 1532

A BILL FOR AN ACT to amend the Indiana Code concerning corrections.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 11-12-2-3.5 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 3.5. (a) The director,
3 if any, of the community corrections program shall be appointed by the
4 community corrections advisory board, subject to the approval of the
5 county executive or, in a county having a consolidated city, by the
6 city-county council. A director may be removed for cause by a majority
7 vote of the community corrections advisory board, subject to the
8 approval of the county executive or, in a county having a consolidated
9 city, of the city-county council.
10 (b) The community corrections advisory board may establish
11 personnel policies, procedures, and salary classification schedules for
12 its employees. Employees of a community corrections program are
13 county employees. **Except for those applying to community**
14 **corrections officers who are subject to IC 11-12-11**, the policies,
15 procedures, and schedules established under this subsection may not
16 be inconsistent with those established for other county employees.
17 SECTION 2. IC 11-12-2-5 IS AMENDED TO READ AS

HB 1532—LS 7362/DI 105+



C
o
p
y

1 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 5. (a) The department
2 shall do the following:

3 (1) Provide consultation and technical assistance to counties to
4 aid in the development of community corrections plans.

5 (2) Provide training for community corrections personnel and
6 board members to the extent funds are available.

7 (3) Adopt under IC 4-22-2 rules governing application by
8 counties for financial aid under this chapter, including the content
9 of community corrections plans.

10 (4) Adopt under IC 4-22-2 rules governing the disbursement of
11 monies to a county and the county's certification of expenditures.

12 (5) Adopt under IC 4-22-2 minimum standards for the
13 establishment, operation, and evaluation of programs receiving
14 financial aid under this chapter. (These standards must be
15 sufficiently flexible to foster the development of new and
16 improved correctional practices.)

17 (6) Examine and either approve or disapprove applications for
18 financial aid. The department's approval or disapproval must be
19 based on this chapter and the rules adopted under this chapter.

20 (7) Keep the budget agency informed of the amount of
21 appropriation needed to adequately fund programs under this
22 chapter.

23 (8) Adopt under IC 4-22-2 a formula or other method of
24 determining a participating county's share of funds appropriated
25 for purposes of this chapter. This formula or method must be
26 approved by the budget agency before the formula is adopted and
27 must be designed to accurately reflect a county's correctional
28 needs and ability to pay.

29 (9) Keep counties informed of money appropriated for the
30 purposes of this chapter.

31 ~~(10) Provide an approved training curriculum for community~~
32 ~~corrections field officers.~~

33 (b) The commissioner may do the following:

34 (1) Visit and inspect any program receiving financial aid under
35 this chapter.

36 (2) Require a participating county or program to submit
37 information or statistics pertinent to the review of applications
38 and programs.

39 (3) Expend up to three percent (3%) of the money appropriated to
40 the department for community correction grants to provide
41 technical assistance, consultation, and training to counties and to
42 monitor and evaluate program delivery.



C
o
p
y

(c) Notwithstanding any law prohibiting advance payments, the department of correction may advance grant money to a county or group of counties in order to assist a community corrections program. However, not more than twenty-five percent (25%) of the amount awarded to a county or group of counties may be paid in advance.

(d) The commissioner shall disburse no more funds to any county under this chapter than are required to fund the community corrections plan.

SECTION 3. IC 11-12-11 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]:

Chapter 11. Community Corrections Officers

Sec. 1. (a) A community corrections officer may do the following:

- (1) Assist a court in making the determination whether to place a person in a community corrections program (as defined in IC 11-12-1-1) as a condition of pretrial release.
- (2) Assist a court, a prosecuting attorney, and other law enforcement officials in making decisions regarding the diversion of a person charged with a criminal or delinquent act to a community corrections program.
- (3) Supervise and assist a person in a community corrections program consistent with conditions imposed by the court.
- (4) Bring to a court's attention a modification in the conditions of a person's community corrections placement.
- (5) Notify the court when a person violates a condition of a community corrections placement.
- (6) Keep accurate records of each case and make the records available to a court upon request.
- (7) Supervise a person from a sending state as ordered by a court under IC 11-12-8.
- (8) Testify or assist the court in a proceeding under IC 11-12-9.
- (9) Perform other duties required by law or as directed by a court.

(b) A community corrections officer may take into custody and detain a person:

- (1) who is in a community corrections program;
- (2) who is supervised by the community corrections officer;
- (3) who is a public safety or flight risk; and
- (4) who community corrections officer has probable cause to believe violated a term or condition of the person's



C
o
p
y

community corrections program.

The community corrections officer shall transfer custody of the detained person to the county sheriff and immediately notify the supervising court of the violation and detention.

Sec. 2. A community corrections officer shall not carry a handgun (as defined in IC 35-47-1-6) while acting in the scope of employment unless all of the following conditions are met:

(1) The circuit court of the county in which the community corrections officer is employed enters an order authorizing the officer to carry the handgun while on duty.

(2) The community corrections officer is issued a license to carry the handgun under IC 35-47-2.

(3) The community corrections officer successfully completes a handgun safety course certified by the law enforcement training board under IC 5-2-1-9(m).

Sec. 3. The provisions of IC 34-13-3 apply whenever:

(1) a governmental entity or its employee is sued for civil damages; and

(2) the civil action arises out of an act within the scope of a community corrections officer's employment or duties.

Sec. 4. (a) Each community corrections advisory board may establish continuing education requirements for community corrections officers in the county or counties that the board serves.

(b) If a community corrections advisory board establishes continuing education requirements under this section, the board must offer at least three (3) hours of continuing education each calendar year.

SECTION 4. IC 35-47-4.5-3, AS ADDED BY P.L.70-2000, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 3. As used in this chapter, "public safety officer" means:

- (1) a state police officer;
- (2) a county sheriff;
- (3) a county police officer;
- (4) a correctional officer;
- (5) an excise police officer;
- (6) a county police reserve officer;
- (7) a city police officer;
- (8) a city police reserve officer;
- (9) a conservation enforcement officer;
- (10) a town marshal;
- (11) a deputy town marshal;



C
o
p
y

- 1 (12) a state university police officer appointed under
- 2 IC 20-12-3.5;
- 3 (13) a probation officer;
- 4 (14) a firefighter (as defined in IC 9-18-34-1);
- 5 (15) an emergency medical technician; ~~or~~
- 6 (16) a paramedic; **or**
- 7 **(17) a community corrections officer.**

C
o
p
y



COMMITTEE REPORT

Mr. Speaker: Your Committee on Human Affairs, to which was referred House Bill 1532, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

SUMMERS, Chair

Committee Vote: yeas 9, nays 1.

C
o
p
y

HB 1532—LS 7362/DI 105+



HOUSE MOTION

Mr. Speaker: I move that House Bill 1532 be amended to read as follows:

Page 1, line 14, delete "field".

Page 3, line 13, delete "Field".

Page 3, line 14, delete "field".

Page 3, line 14, delete "shall" and insert "**may**".

Page 3, line 37, delete "field".

Page 3, line 40, delete "field".

Page 4, line 1, delete "field".

Page 4, line 7, delete "field".

Page 4, line 7, delete "may" and insert "**shall**".

Page 4, line 11, delete "field".

Page 4, line 12, delete "field".

Page 4, line 14, delete "field".

Page 4, line 16, delete "field".

Page 4, line 23, delete "field".

Page 4, delete lines 24 through 36, begin a new paragraph and insert:

"Sec. 4. (a) Each community corrections advisory board may establish continuing education requirements for community corrections officers in the county or counties that the board serves.

(b) If a community corrections advisory board establishes continuing education requirements under this section, the board must offer at least three (3) hours of continuing education each calendar year."

Page 5, line 16, delete "field".

(Reference is to HB 1532 as printed February 27, 2003.)

GOODIN

C
O
P
Y

